

Applicants : Martin et al.
USSN : 10/518,003
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Examiner : Lawrence Crane
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Atty. Dkt. No. : 636-C-PCT-US
Art Unit : 1623
Date of office action: 4-4-2008
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REMARKS

Claim Status

Claims 54, 55, 59-62 and 65-70 are pending in the application. In order to expedite the prosecution of the present application, and without conceding to the rejections raised by the Examiner, claims 54, 55, 59-62 and 65-70 have been canceled without prejudice to Applicants' right to pursue the subject matters in a future application. New claims 71-80 have been added.

Support for claim 71 can be found, *inter alia*, on page 38, lines 1-4.

Support for claim 72 can be found, *inter alia*, on page 31, lines 1-11.

Support for claim 73 can be found, *inter alia*, on page 28, lines 22-25.

Support for claims 74-75 can be found, *inter alia*, on Table 3 (pages 28-29) and page 29, line 20 to page 30, line 2.

Support for claim 76 can be found, *inter alia*, on page 37, lines 24-31.

Support for claims 77-80 can be found, *inter alia*, in previously presented claim 67; Table 3 (pages 28-29); and page 29, line 20 to page 30, line 2.

Accordingly, Applicants submit no new matter has been added.

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Rejection Under 35 U.S.C. §112, First Paragraph

Claims 54, 60-62 and 65-70 are rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. The rejection is respectfully traversed.

As indicated above, claims 71-76 are drawn to various compositions that are fully described and enabled in the specification. Since the specification has clearly and fully described the various compositions comprising different components, Applicants submit that the composition claims are fully enabled in view of the disclosure, and no undue experimentation is required to make and use the compositions as claimed.

Claims 77-80 are drawn to a method of using a composition, wherein the specification has provided clear description and data on the claimed method as indicated above. In view of the disclosure, Applicants submit that the method claims are fully enabled, and no undue experimentation is required to practice the method as claimed.

Claim Objections

Claims 58, 59, 68 and 69 are objected to because "Adriamycin" is improperly capitalized. The objections are moot because the claims have been canceled without prejudice.

Rejection Under 35 U.S.C. §112, Second Paragraph

Claims 66 and 68-70 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The rejection is moot because the claims have been canceled without prejudice.

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Rejection Under 35 U.S.C. §102(b)

1. Claims 55 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Nord et al. (Cancer Chemother. Pharmacol. (1997) 40:376-384). The rejection is respectfully traversed.

Claim 71 is drawn to a composition comprising 6-methylmercaptapurine riboside (MMPR), 6-aminonicotinamide (6-AN), N-(phosphonacetyl)-L-aspartic acid (PALA), alanosine (AL), dehydroepiandrosterone (DHEA), and oxythiamine (OT). Claim 72 is drawn to a composition comprising MMPR, 6-AN, PALA, AL, and 4[(1E)-2-(1H-indol-3-yl)ethenyl]-1-methyl-pyridinium iodide. Claim 73 is drawn to a composition comprising PALA, AL, MMPR, and 3-bromopyruvate (BrPA). Claims 74-75 are drawn to a composition comprising PALA, AL, MMPR, BrPA, and adriamycin. Claim 76 is drawn to a composition comprising PALA, AL, MMPR, DHEA, and OT.

In contrast, Nord et al. only teach a composition comprising PALA, 6-AN, and MMPR (see Abstract), or a composition comprising PALA, 6-AN, MMPR, and adriamycin (see page 376, column 2). Nord et al. do not teach or suggest various compositions having the components as claimed herein. Since Nord et al. do not teach each and every aspect of the present invention, Nord et al. do not anticipate claims 71-76 of the present invention.

2. Claims 55 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Stolfi et al. (Cancer Res. (1992) 52:4074-4081). The rejection is respectfully traversed.

Claims 71-76 have been discussed above. In contrast, Stolfi et al. only teach a composition comprising PALA, 6-AN, MMPR, and 5-

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fluororouacil (see Abstract). Stolfi et al. do not teach or suggest various compositions having the components as claimed herein. Since Stolfi et al. do not teach each and every aspect of the present invention, Stolfi et al. do not anticipate claims 71-76 of the present invention.

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CONCLUSION

Applicants respectfully maintain that all the grounds of rejections raised in the April 4, 2008 Office Action have been addressed and earnestly urge the Examiner to render favorable action for the claimed invention.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

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